

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SAJ-01 CIAE-00 DODE-00 PM-07 H-03

INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

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FM USMISSION BERLIN

TO SECSTATE WASHDC 3782

AMEMBASSY BONN

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

U.S. MISSION NATO 5985

C O N F I D E N T I A L BERLIN 1341

E.O. 11652: GDS

TAGS:

SUBJECT: REPLY TO SOVIET STATEMENT REGARDING AMENDMENT
TO NATIONALITY LAW

REF : BONN 12305

1. SUMMARY: US (CHAIRMAN) POLAD DELIVERED AGREED RESPONSE
ON NATIONALITY LAW TO SOVIET EMBASSY COUNSELOR RODIN
JULY 9. PREDICTABLE AND INCONCLUSIVE EXCHANGE ENSUED.
POLAD TOOK OPPORTUNITY, WITH REFERENCE TO FEA AS WELL, TO
URGE THAT RESTRAINT BE EXERCISED IN ATTEMPTING TO ASCRIBE
TO QA PRONOUNCEMENTS ON MATTERS WHICH WERE NOT SETTLED
THEREIN AND TO NOTE. IMPORTANT THING WAS THAT IMPLEMENTATION
OF QA WAS REGARDED AS TEST OF DETENTE. SEPTELS
COVER PITCH MADE FOR CLEMANCY FOR AND CONSULAR ACCESS
TO ALFRED STEINER, AND RODIN'S COMMENTS ON PRESIDENT'S
RESIGNATION. END SUMMARY.

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2. US (CHAIRMAN) POLAD CALLED ON SOVIET EMBASSY COUNSELOR

RODIN AUGUST 9 TO DELIVER AGREED ALLIED RESPONSE TO RODIN'S MAY 23 STATEMENT ON PROPOSED AMENDMENT TO FRG NATIONALITY LAW. FOLLOWING PRESENTATION, RODIN REPEATED TWO BASIC POINTS MADE IN ORIGINAL SOVIET PROTEST. HE SAID THAT QUADRIpartite AGREEMENT MADE IT CLEAR THAT BERLIN NOT CONSTITUENT PART OF FRG AND THAT, THEREFORE, PERMANENT RESIDENTS OF WEST BERLIN WERE NOT CITIZENS OF FRG. POLAD AGREED THAT BERLIN NOT CONSTITUENT PART OF FRG, BUT NOTED THAT THIS WAS PRECISELY REASON FOR MANTELGESETZ PROCEDURE FOR TAKING OVER FRG LAWS FOR APPLICATION IN BERLIN. POLAD STATED THAT THIS PROCEDURE PROVIDED MEANS FOR ASSURING THAT ALLIES EXERCISED THEIR RIGHTS AND RESPONSIBILITIES, ESPECIALLY IN REGARD TO STATUS AND SECURITY. IT WAS TRUE MOST LAWS WERE ADOPTED UNCHANGED, BUT MANY REQUIRED RESERVATIONS OR CALLED FOR PARTIAL APPLICATION, WHILE SOME WERE NOT APPROVED BY AK FOR ADOPTION. RODIN PRESSED POINT, ASKING HOW THEN BERLIN DIFFERED FROM, SAY, DUESSELDORF, POLAD REVIEWED ABOVE ARGUMENTS NOTING THAT ESSENTIALLY DIFFERENCE WAS THAT CITIZENS OF DUESSELDORF WERE SUBJECT TO FRG LAW, WHEREAS BERLIN LAW OBTAINED IN BERLIN. AS EXAMPLE OF AK SCRUTINY OF SUCH LAW POLAD CITED EXAMPLE OF PREVIOUS AMENDMENT TO NATIONALITY LAW, WHERE PROVISION ON MEMBERS OF BUNDESWEHR WAS NOT ALLOWED TO BE APPLIED IN BERLIN.

3. RODIN SHIFTED GROUND A BIT TO ARGUE THAT QA HAD MADE IT CLEAR THAT "PERMANENT RESIDENTS OF BERLIN" WOULD NOT HAVE FRG NATIONALITY. POLAD REMINDED HIM THAT THIS WORDING WAS WORKED OUT FOR USE IN DOCUMENTATION FOR TRAVEL TO SOVIET UNION BUT THAT WEST BERLINERS USED FRG PASSPORTS AND QA HAD NOT RECONCILED DISPARATE VIEWS ON NATIONALITY. POLAD SAID SOVIET UNION AND WESTERN SIDE HELD DIFFERENT VIEWPOINTS AND IT WAS UNLIKELY RODIN AND HE COULD SETTLE QUESTION. RODIN CONCLUDED THIS PART OF CONVERSATION WITH COMMENT "WE HAVE OUR VIEWPOINT, I UNDERSTAND YOUR POINT OF VIEW."

4. POLAD THEN BROACHED FEA ISSUE, COMMENTING THAT THERE WERE SOME SIMILARITIES TO SOVIET COMPLAINT ABOUT NATIONALITY LAW. ARGUMENT COULD BE MADE WHETHER ISSUE HAD BEEN HANDLED AS WELL AS CONFIDENTIAL

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IT MIGHT HAVE BEEN, BUT THERE WAS NOTHING TO BE GAINED FROM EFFORT TO ACT AS IF QA HAD PRONOUNCED ON ISSUES WHICH WERE NOT SETTLED BY IT. QA HAD SUCCEEDED IN DEFUSING THE MOST CRITICAL POINTS OF TENSION, NOTABLY TRAFFIC ON TRANSIT ROUTES, AND HAD PROVIDED OTHER BENEFITS SUCH AS VISITS ARRANGMENTS. WESTERN SIDE IN TURN HAD MADE NUMBER OF CONCESSIONS TO ARRIVE AT FINELY BALANCED PACKAGE. NOTHING HAD BEEN SAID ABOUT LEVEL OF

FEDERAL PRESENCE, AND ON THIS POINT POLAD WOULD ONLY REFER TO CONVERSATIONS THAT HAD TAKEN PLACE AT HIGHER LEVEL. IMPORTANT THING WAS THAT QA WAS WIDELY REGARDED AS TEST OF DETENTE, AND IF LATTER MEANT ANYTHING, INCIDENTS ON TRANSIT ROUTES, WHICH WERE CLEARLY CONTRARY TO QA, HAD TO BE AVOIDED. POLAD SAID EASTERN COMMENTARIES HAD OFTEN DECLARED THAT FEA SHOULD BE ESTABLISHED IN CITY MORE PLAGUED BY ENVIRONMENTAL PROBLEMS THAN BERLIN, BUT HE SUGGESTED THAT LOCATION IN BERLIN IF TREATED NONPOLEMICALLY, COULD BE BENEFICIAL IN FACILITATING EAST-WEST EXCHANGE OF INFORMATION.

5. RODIN DID NOT CHALLENGE ABOVE, BUT SAID THAT COUNTER-MEASURES AGAINST FEA WERE "ABSOLUTELY NECESSARY" IN LIGHT OF INCREASE IN FRG PRESENCE NOT FORESEEN IN QA. HE SAID THAT IF FRG TRIED TO INCREASE ITS PRESENCE IN WEST BERLIN THEN THERE WAS NO NEED FOR FOUR POWER AGREEMENT."

6. ENTIRE CONVERSATION WAS HELD IN GOOD HUMOR, WITH RODIN EXPRESSING DESIRE FOR CONTINUED CLOSE COOPERATION WITH US MISSION AND POLAD RECIPROCATING HIS SENTIMENT.KLEIN

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